

EXHIBIT C

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18 *Counsel for Defendant Meta Platforms, Inc.*

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 RICHARD KADREY, et al.,
 22 Individual and Representative Plaintiffs,
 23 v.
 24 META PLATFORMS, INC., a Delaware
 corporation;
 26 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
 RESPONSES AND OBJECTIONS TO
 PLAINTIFFS' SECOND SET OF
 INTERROGATORIES**

Trial Date:
 Date Action Filed: July 7, 2023

1 **PROPOUNDING PARTY:** **PLAINTIFFS RICHARD KADREY, SARAH SILVERMAN, CHRISTOPHER**
 2 **GOLDEN, TA-NEHISI COATES, JUNOT DÍAZ, ANDREW SEAN GREER,**
 3 **DAVID HENRY HWANG, MATTHEW KLAM, LAURA LIPPMAN,**
 4 **RACHEL LOUISE SNYDER, JACQUELINE WOODSON, AND LYSY**
 5 **TERKEURST**

6 **RESPONDING PARTY:** **DEFENDANT META PLATFORMS, INC.**

7 **SET NUMBER: ONE** **SECOND**

8 Pursuant to Federal Rule of Civil Procedure 33 and Local Rule 33, Defendant Meta
 9 Platforms, Inc. (“Meta”) responds as follows to Plaintiffs Richard Kadrey, Sarah Silverman,
 10 Christopher Golden, Ta-Nehisi Coates, Junot Díaz, Andrew Sean Greer, David Henry Hwang,
 11 Matthew Klam, Laura Lippman, Rachel Louise Snyder, Jacqueline Woodson, and Lysa
 12 TerKeurst’s (“Plaintiffs”) Second Set of Interrogatories (“Interrogatories”).

13 **I. RESPONSES TO ALL INTERROGATORIES**

14 **1.** Meta’s responses to these Interrogatories are made to the best of Meta’s current
 15 employees’ present knowledge, information, and belief. Said responses are at all times subject to
 16 such additional or different information that discovery or further investigation may disclose and,
 17 while based on the present state of Meta’s recollection, is subject to such refreshing of recollection,
 18 and such additional knowledge of facts, as may result from Meta’s further discovery or
 19 investigation. Meta reserves the right to make any use of, or to introduce at any hearing and at trial,
 20 information and/or documents responsive to these Interrogatories but discovered subsequent to the
 21 date of these responses, including, but not limited to, any such information or documents obtained
 22 in discovery herein.

23 **2.** To the extent that Meta responds to an Interrogatory by stating that Meta will
 24 provide information or documents that Meta deems to embody material that is private, business
 25 confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal
 26 Rule of Civil Procedure 26(c) and/or Federal Rule of Evidence 501, Meta will only do so subject
 27 to the parties’ stipulated protective order governing the unauthorized use or disclosure of such
 28 information or documents with a designated “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL

1 - ATTORNEYS' EYES ONLY" or "HIGHLY CONFIDENTIAL – SOURCE CODE" distinction
 2 (ECF No. 90, the "Protective Order").

3 3. Meta reserves all objections or other questions as to the competency, relevance,
 4 materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this
 5 or any other action for any purpose whatsoever of Meta's responses herein and any document or
 6 thing identified or provided in response to the Interrogatories.

7 **II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

8 Whether or not separately set forth in response to each Interrogatory, Meta makes these
 9 objections to the following Instructions and Definitions:

10 1. Meta objects to all defined terms to the extent that they are not utilized in Plaintiffs
 11 Second Set of Interrogatories.

12 2. Meta objects to the definition of "Agreements" as overbroad and unduly
 13 burdensome to the extent that it encompasses oral contracts, arrangements, or understandings,
 14 including those that are informal. Meta further objects to the definition of "Agreements" as vague,
 15 ambiguous, and unintelligible as to the term "modifications" to the extent it is intended to mean
 16 something distinct from "versions" or "amendments." Meta will construe "Agreements" to mean
 17 written contracts, including drafts, versions, amendments, exhibits, and appendices thereof.

18 3. Meta objects to the definition of "Communications" to the extent it is inconsistent
 19 with and otherwise seeks to circumvent the custodian and search term limits for electronic
 20 communications (including emails and other electronic correspondence, and documents attached
 21 thereto), as provided in the Stipulated Protocol regarding Electronic Discovery ("ESI
 22 Order"). Meta will produce Documents, including Communications, pursuant to the terms of the
 23 ESI Order, and any agreement to produce such Documents is explicitly in view of the terms of the
 24 ESI Order. To the extent that Meta responds to a Request, including by agreeing to search for
 25 relevant, non-privileged communications in Meta's possession, custody, or control, such response
 26 is not a representation that any particular custodian or search term is appropriate. Meta expressly
 27 reserves the right to object to any custodians and search terms proposed by Plaintiffs.

28

1 4. Meta objects to the definition of “Complaint” which refers to an outdated complaint
 2 that has since been replaced by the Corrected Second Consolidated Amended Complaint (ECF No.
 3 133). Meta will construe “Complaint” to refer to the Corrected Second Consolidated Amended
 4 Complaint.

5 5. Meta objects to the definitions of “Llama 1,” “Llama 2,” and “Llama 3” as vague
 6 and ambiguous as to the undefined terms “precursor models” and “variant models.” Meta further
 7 objects to these definitions as overbroad, unduly burdensome, and disproportionate to the needs of
 8 the case to the extent that it purports to require Meta to produce documents or information
 9 concerning large language models (“LLMs”) that were not publicly released and/or were not trained
 10 on corpuses of text that include any of Plaintiffs’ allegedly copyrighted works. For the same reason,
 11 Meta objects to these definitions to the extent that they purport to require Meta to produce
 12 documents or information concerning LLMs that are not relevant to any party’s claims or
 13 defenses. For purposes of these responses, Meta construes the term “Llama 1” to refer to the LLM
 14 released by Meta as Llama on February 24, 2023, the term “Llama 2” to refer to the LLM released
 15 by Meta under that name on July 18, 2023, and the term “Llama 3” to refer to the LLM released by
 16 Meta under that name on April 18, 2024 and July 23, 2024.

17 6. Meta objects to the definition of “Meta” as overbroad, unduly burdensome, and
 18 disproportionate to the needs of the case to the extent that it purports to require Meta to produce
 19 documents or information concerning any “owners” regardless of shareholder interest and
 20 shareholders with an ownership of in Meta of greater than 5%. Meta will construe “Meta” or “You”
 21 to mean Meta Platforms, Inc.

22 7. Meta objects to the definition of “Meta Language Models” as vague and ambiguous
 23 as to the undefined terms “precursor models” and “variant models.” Meta further objects to this
 24 definition as overbroad, unduly burdensome, and disproportionate to the needs of the case to the
 25 extent that it purports to require Meta to produce documents concerning LLMs that were not
 26 publicly released and/or were not trained on corpuses of text that allegedly include any of Plaintiffs’
 27 allegedly copyrighted works. For the same reason, Meta objects to this definition to the extent that
 28 it purports to require Meta to produce documents that are not relevant to any party’s claims or

1 defenses. Meta will construe “Meta Language Models” to mean the models within the Llama
 2 family of LLMs that have been publicly released by Meta, namely, Llama 1, Llama 2, Code Llama,
 3 and Llama 3 (as those terms are construed above).

4 **8.** Meta objects to the definition of “Relevant Period” as vague, ambiguous, and
 5 unintelligible, as it is defined circularly to mean “all times relevant to... the Complaint.” Meta will
 6 construe the Relevant Period to mean January 1, 2022 to the present.

7 **9.** Meta objects to the definition of “Training Data” as vague, ambiguous, and
 8 unintelligible as to the term “other material,” which is indefinite and undefined. Meta further
 9 objects to the definition of “Training Data” as vague and ambiguous as to the phrase “considered
 10 for use,” which, read literally, would encompass any dataset considered by any Meta employee,
 11 regardless of the seriousness of such consideration and whether or not that consideration was ever
 12 acted upon. Meta further objects to this definition to the extent it purports to include datasets (or
 13 “considered” datasets) that include content to which Plaintiffs have made no claim of ownership
 14 and which are not the subject of any allegations of copyright infringement by Plaintiffs. Meta will
 15 construe “Training Data” to mean the “Books3” textual dataset used to train the Meta Language
 16 Models (as construed above).

17 **10.** Meta objects to the definition of “You” and “Your” as overbroad, unduly
 18 burdensome, and nonsensical, insofar as it refers to “the specific Defendant(s) producing
 19 documents in response to these Requests.” There is only one defendant in this case, Meta, and this
 20 response is to the Interrogatories, not any document requests. Meta further objects to this definition
 21 to the extent it seeks to impose upon Meta an obligation to investigate information or documents
 22 outside of its possession, custody, or control. For purposes of these responses, Meta construes the
 23 terms “You” and “Your” coextensively with Meta (as construed above).

24 **11.** Meta objects to Instruction 1 to the extent that it purports to require more of Meta
 25 than any obligation imposed by law, and would subject Meta to unreasonable and undue burden
 26 and expense. Meta will supplement or amend its responses to these Interrogatories in accordance
 27 with Meta’s obligations under Rule 26(e).

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1 **12.** Meta objects to Instruction 2, which defines the “Relevant Period” as January 1,
 2 2000 to the present. Such definition is overbroad, unduly burdensome, and disproportionate to the
 3 needs of the case because it both precedes the existence of Facebook (and therefore Meta) by
 4 several years, and the development of the Meta Language Models by decades. For the same reason,
 5 the definition of “Relevant Period,” as applied to the Interrogatories, would encompass information
 6 that is irrelevant to the parties’ claims and defenses. The Instruction is also inconsistent with the
 7 definition of “Relevant Period” provided on page 3 of the Interrogatories and is therefore vague
 8 and ambiguous. Meta will construe the Relevant Period to mean January 1, 2022 to the present.

9 **13.** Meta objects to Instruction 4 (referring to Fed. R. Civ. P. Rule 33(d)) on the ground
 10 that it purports to require more of Meta than any obligation imposed by law, and would subject
 11 Meta to unreasonable and undue burden and expense.

12 **14.** Meta objects to Instruction 6 (outlining additional obligations for allegedly
 13 incomplete responses) to the extent that it purports to require Meta to investigate information
 14 outside of its possession, custody, or control.

15 **15.** Meta objects to Instruction 8 (outlining additional obligations for any privilege
 16 objection) on the ground that it purports to require more of Meta than any obligation imposed by
 17 law, and would subject Meta to unreasonable and undue burden and expense.

18 **16.** Meta objects to Instruction 9 (outlining additional obligations for any work product
 19 objection) on the ground that it purports to require more of Meta than any obligation imposed by
 20 law, and would itself require disclosure of information protected by attorney-client privilege and/or
 21 attorney work product doctrine.

22 **17.** Meta objects to Instruction 10 (building in a separate question for each
 23 Interrogatory) on the ground that it purports to require more of Meta than any obligation imposed
 24 by law, seeks disclosure of information protected by attorney-client privilege and/or attorney work
 25 product doctrine, and seeks to circumvent Plaintiffs’ interrogatory limit.

26 **18.** Meta objects to Instruction 11 (purporting to require responses for “all predecessors,
 27 successors, subsidiaries … divisions and/or affiliates of Meta”), on the ground that it purports to
 28 require more of Meta than any obligation imposed by law, and would subject Meta to unreasonable

1 and undue burden and expense. Meta further objects to Instruction 11 to the extent that it purports
 2 to require Meta to investigate information outside of its possession, custody, or control. As such
 3 the Instruction if overly broad, as well. Subject to any objections applicable to a particular
 4 Interrogatory, Meta will conduct a reasonable, proportionate search for non-privileged, relevant,
 5 responsive information within its possession, custody, or control.

6 **19.** In responding to all Interrogatories, Meta will comply with the requirements of the
 7 Federal Rules of Evidence and Federal Rule of Civil Procedure 26.

8 **III. OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES**

9 **INTERROGATORY NO. 1:**

10 State all facts on which you base Your contention that Your conduct constitutes fair use (17
 11 U.S.C. § 107).

12 **RESPONSE TO INTERROGATORY NO. 1:**

13 Meta incorporates by reference its objections and definitions above.

14 Meta objects to this Interrogatory as vague and ambiguous as to the phrase “Your conduct,”
 15 which is undefined and could refer to any conduct. Meta will construe this Interrogatory to seek
 16 information concerning Meta’s claim of fair use in connection with the conduct alleged in the
 17 Complaint (as construed above).

18 Meta objects to this Interrogatory as overbroad, unduly burdensome, and disproportionate
 19 to the needs of the case to the extent it seeks information that Meta does not intend to rely on to
 20 support a claim of fair use and calls for a lengthy narrative with regard to twelve different plaintiffs
 21 and more than forty works.

22 Meta objects to this Interrogatory to the extent it prematurely calls for expert testimony or
 23 identification of facts yet to be disclosed by Plaintiffs, and to the extent that it requires Meta to
 24 respond to legal arguments or theories not yet disclosed by Plaintiffs.

25 Finally, Meta objects to this Interrogatory because it exceeds Plaintiffs’ limit of 25
 26 Interrogatories under Rule 33(a)(1).

27 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 28 Protective Order, Meta responds as follows:

1 Dated: September 30, 2024

COOLEY LLP

2 By: /s/ Judd Lauter

3 Bobby Ghajjar
4 Mark Weinstein
5 Kathleen Hartnett
6 Judd Lauter
7 Liz Stameshkin
8 Colette Ghazarian

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13 HAMILTON LLP
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15 Attorneys for Defendant
16 META PLATFORMS, INC.

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PROOF OF SERVICE

I am a citizen of the United States and a resident of the State of California. I am employed in Los Angeles County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 355 South Grand Avenue, Suite 900, Los Angeles, CA 90071. On the date set forth below I served the documents described below in the manner described below:

• **DEFENDANT META PLATFORMS, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF INTERROGATORIES**

(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following part(ies) in this action:

Executed on September 30, 2024, at Los Angeles, California.

 Jerry Gonzalez

SERVICE LIST1 Joseph R. Saveri
2 Cadio Zirpoli
3 Christopher K.L. Young
4 Holden Benon
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